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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,483	07/19/2001	Fang Fang	014357/027 8772	3201

7590 09/20/2002
Pillsbury Winthrop LLP
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EXAMINER

WORTMAN, DONNA C

ART UNIT	PAPER NUMBER
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1648

DATE MAILED: 09/20/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/910,483

Applicant(s)

FANG ET AL.

Examiner

Donna C. Wortman, Ph.D.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-57 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-27 and 34-57, insofar as drawn to antibody HumA, compositions and treatment methods, classified in class 424, subclass 143.1, e.g.
- II. Claims 1-27 and 34-57, insofar as drawn to antibody HumB, compositions and treatment methods, classified in class 424, subclass 143.1, e.g.
- III. Claims 1-27 and 34-57, insofar as drawn to antibody HumC, compositions and treatment methods, classified in class 424, subclass 143.1, e.g.
- IV. Claims 1-27 and 34-57, insofar as drawn to antibody HumD, compositions and treatment methods, classified in class 424, subclass 143.1, e.g.
- V. Claims 1-27 and 34-57, insofar as drawn to antibody HumE, compositions and treatment methods, classified in class 424, subclass 143.1, e.g.
- VI. Claims 1-27 and 34-57, insofar as drawn to antibody HumF, compositions and treatment methods, classified in class 424, subclass 143.1, e.g.
- VII. Claims 1-27 and 34-57, insofar as drawn to antibody HumG, compositions and treatment methods, classified in class 424, subclass 143.1, e.g.
- VIII. Claims 1-27 and 34-57, insofar as drawn to antibody HumH, compositions and treatment methods, classified in class 424, subclass 143.1, e.g.
- IX. Claims 1-27 and 34-57, insofar as drawn to antibody HumI, compositions and treatment methods, classified in class 424, subclass 143.1, e.g.
- X. Claims 28-33, insofar as drawn to nucleic acid encoding HumA, vectors and transformed cells, classified in class 536, subclass 23.53, e.g.

- XI. Claims 28-33, insofar as drawn to nucleic acid encoding HumB, vectors and transformed cells, classified in class 536, subclass 23.53, e.g..
- XII. Claims 28-33, insofar as drawn to nucleic acid encoding HumC, vectors and transformed cells, classified in class 536, subclass 23.53, e.g.
- XIII. Claims 28-33, insofar as drawn to nucleic acid encoding HumD, vectors and transformed cells, classified in class 536, subclass 23.53, e.g.
- XIV. Claims 28-33, insofar as drawn to nucleic acid encoding HumE, vectors and transformed cells, classified in class 536, subclass 23.53, e.g.
- XV. Claims 28-33, insofar as drawn to nucleic acid encoding HumF, vectors and transformed cells, classified in class 536, subclass 23.53, e.g..
- XVI. Claims 28-33, insofar as drawn to nucleic acid encoding HumG, vectors and transformed cells, classified in class 536, subclass 23.53, e.g..
- XVII. Claims 28-33, insofar as drawn to nucleic acid encoding HumH, vectors and transformed cells, classified in class 536, subclass 23.53, e.g..
- XVIII. Claims 28-33, insofar as drawn to nucleic acid encoding HumI, vectors and transformed cells, classified in class 536, subclass 23.53, e.g.

The product of each of Inventions I-XVIII is patentably distinct from any of the other products of Inventions I-XVIII as each has a distinct amino acid or nucleic acid structure.

Because these inventions are distinct for the reasons given above and the because the search required for any one group is not coextensive with the search

required for any of the other groups, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna C. Wortman, Ph.D. whose telephone number is 703-308-1032. The examiner can normally be reached on Monday-Thursday, 7:30-5:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on 703-308-4027. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

A handwritten signature in black ink, appearing to read 'DCW', with a long horizontal flourish extending to the right.

Donna C. Wortman, Ph.D.
Primary Examiner
Art Unit 1648

dcw
September 20, 2002